

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 19

May 22, 2003

SUBJECT: OBTAINING A PUBLIC SAFETY STATEMENT AND SEPARATING OFFICERS FOLLOWING A CATEGORICAL USE OF FORCE INCIDENT - ESTABLISHED

PURPOSE: The Consent Decree prohibits the Department from conducting group interviews during administrative investigations, including uses of force. Moreover, separating officers prior to administrative questioning is a long-standing Department practice proven to contribute to the integrity of an investigation. Nevertheless, the first supervisor at a use of force needs certain information immediately to secure the scene, ensure necessary medical treatment is provided, and facilitate the search for any outstanding suspects and/or weapons. This type of information, known as a "public safety statement," must be obtained quickly from as many officers as necessary to identify immediate public safety concerns.

This Order codifies the protocol for obtaining a public safety statement from sworn Department employees, and establishes guidelines for documenting the separation, transportation, and monitoring of *involved* employees and/or *witness* employees following a Categorical use of force incident.

PROCEDURE:

I. OBTAINING A PUBLIC SAFETY STATEMENT. A supervisor in charge of a Categorical use of force scene shall obtain sufficient information to conduct his/her duties at the scene (e.g., establishing a perimeter, protecting the crime scene, locating witnesses/evidence, managing the response of additional resources, etc.). A public safety statement shall be obtained from as many employees as necessary for the supervisor to immediately determine:

- * Type of force used;
- * Direction and approximate number of any shots fired by the involved employee(s) and/or suspect(s), if applicable;
- * Location of injured persons, including those in need of medical attention, if any;
- * Description of outstanding suspect(s) and his/her direction(s) of travel, time elapsed since the suspect was last seen, and any suspect weapon(s);
- * Description and location of any known victims or witnesses;

- * Description and location of any known evidence; and,
- * Other information as necessary to ensure officer and public safety and assist in the apprehension of outstanding suspect(s).

After obtaining sufficient information, the supervisor shall immediately cause the individual separation of involved/witness employees and order them not to discuss the incident with anyone other than the assigned investigators and the employee's representative(s).

Note: Supervisors involved in the separation, transportation, and monitoring of an involved/witness employee following a Categorical use of force incident shall not discuss tactics with that employee.

II. DOCUMENTING THE SEPARATION, TRANSPORTATION, AND MONITORING OF EMPLOYEES. The actions of each Department employee involved in the separation, transportation, and monitoring of employees will be critically evaluated at every Use of Force Review Board.

A. Incident Commander responsibility. After a public safety statement has been obtained and all public safety concerns have been addressed (e.g., establishing a perimeter, protecting the crime scene, locating witnesses/evidence, managing the response of additional resources, etc.), the incident commander shall:

- * Ensure that supervisors transport previously separated involved/witness employees individually to the location of interview as soon as practicable (If the incident occurs outside the city, an outside law enforcement agency's facility may be used). Separation shall remain in effect until the employee is interviewed by Critical Incident Investigation Division (CIID);

Exception: An involved/witness employee may remain at the scene to identify possible suspects. If this occurs, a supervisor shall accompany the employee at all times.

- * Utilize all supervisory resources available as necessary (e.g., from vice, Gang Enforcement Details, detectives, supervisors from adjacent Areas) to transport and monitor involved/witness

employees individually to eliminate the possibility of contaminating their statements prior to their interview by CIID; and,

- * Ensure that the welfare of each involved/witness employee is addressed.

If logistical problems preclude individual separation of employees (e.g., the number of involved/witness employees exceeds the number of available supervisors), the incident commander shall determine the necessity for deviation from Department procedure set forth in this Order. Any deviation shall be documented and justified in the incident commander's daily log (i.e., the Watch Commander's Daily Report, Form 15.80, or the Supervisor's Daily Report, Form 15.48.0, as applicable).

B. Supervisor's Responsibility. Any supervisor involved in the separation, transportation, and monitoring of involved/witness employees following a Categorical use of force incident shall advise the incident commander of his/her actions and document them on a Sergeant's Daily Report. Such documentation shall include:

- * Date, time, and location the supervisor transported and/or monitored the employee;
- * Verification that separation of the employee was maintained before, during, and after he/she was transported to the location of interview; and,
- * Specific setting where the employee was monitored (prior to interview) at the location of interview.

Each involved supervisor shall provide the watch commander with a copy of his/her Supervisor's Daily Report as soon practicable.

C. Watch Commander's Responsibility. In the event that the on-duty watch commander is not acting as the incident commander, the watch commander shall maintain overall accountability for documenting details of the separation, transportation and monitoring of each involved/witness employee. This information shall be recorded on the Watch Commander's Daily Report as follows:

- * Date and time each involved/witness employee was transported for interview and by whom;

- * Name of all supervisor(s) involved in the monitoring of involved/witness employee(s);
- * Deviations from Department procedure, if any; and,
- * Any other information of potential interest to CIID investigators (e.g., employee was transported to a non-Department facility, a change in personnel monitoring an involved/witness employee due to change of watch, etc.)

Any deviation from procedures as set forth in this Order shall be addressed in the Watch Commander's Daily Report.

Note: A copy of the Watch Commander's Daily Report and all applicable Sergeant's Daily Reports shall be provided to CIID as soon as practicable.

AMENDMENTS: This Order adds Section 3/794.37 and 4/202.20 to the Department Manual.

AUDIT RESPONSIBILITY: The Commanding Officer, Consent Decree Bureau, shall monitor compliance with this directive in accordance with Department Manual Section 0/080.30.

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Chief of Police

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